

**BEFORE THE
PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA**

Docket No. 2003-327-C

| | |
|--|---|
| In re: |) |
| |) |
| Continued Availability of Unbundled |) |
| High Capacity Loops at Certain Locations |) |
| And Unbundled High Capacity Transport on |) |
| Certain Routes Pursuant to the Federal |) |
| Communications Commission's Triennial |) |
| Review Order |) |
| <hr/> | |

**COMPSOUTH'S MOTION TO REQUIRE BELL SOUTH
TELECOMMUNICATIONS, INC. TO DISCLOSE CERTAIN INFORMATION**

COMES NOW, Competitive Carriers of the South ("CompSouth") and respectfully requests that the Commission enter an Order requiring BellSouth Telecommunications, Inc. ("BellSouth") to disclose certain information concerning competitive facilities upon which BellSouth is relying in the above referenced matter in response to discovery propounded by CompSouth. In support of its request, CompSouth states:

On January 14, 2004, CompSouth served its First Set of Interrogatories on BellSouth. On January 27, 2004, BellSouth submitted its Objections to these interrogatories. On February 13, 2004, BellSouth submitted its Responses to these interrogatories. In its objections and responses, BellSouth objected to providing certain information responsive to these requests on grounds that the information constitutes customer proprietary network information ("CPNI"),^a

^a See BellSouth's Objections and Responses to Interrogatory Nos. 2, 3, 4, 5, 8, 12, 16, 17, 18, 19, and 22. BellSouth asserted CPNI as the basis for one of its objections to interrogatories 26 through 29, 31, and 32.

and that, under the FCC's rules, it is restricted from disclosing such information absent an order from this Commission.^b

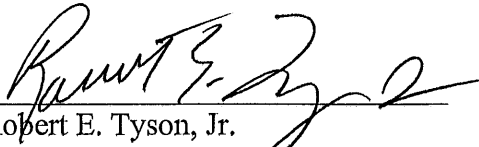
BellSouth and CompSouth agree that parties who have signed a Confidentiality Agreement to maintain the confidentiality of such information are entitled to review information concerning the competitive facilities identified by BellSouth.

In an attempt to informally resolve this matter, CompSouth and BellSouth have discussed conditions under which BellSouth would agree to provide this information. BellSouth, through counsel, has indicated that, subject to its right to lodge other appropriate discovery objections, BellSouth would provide this information pursuant to an Order of this Commission directing that such information be disclosed with appropriate conditions to protect the confidential nature of the information being disclosed. BellSouth has indicated that it has no objection to such an Order being entered and would make best efforts to provide this information by February 23, 2004 as long as the Commission has entered the appropriate Order by that date; or, within three (3) business days from the date of a Commission Order.

THEREFORE, based on the foregoing, CompSouth respectfully requests that the Commission , direct the disclosure of the information requested by CompSouth in its First Set of Interrogatories to BellSouth referenced herein, subject to the full protections of the Confidentiality Agreement executed between CompSouth and BellSouth and subject to BellSouth's right to lodge other appropriate discovery objections.

^b CPNI includes information pertaining to the "quantity, technical configuration, type, destination, and amount of use of a telecommunications service subscribed to by a customer of a telecommunications carrier, and is made available to the carrier solely by virtue of the carrier-customer relationship." 47 U.S.C. § 222(h)(1)(A). CPNI also includes "information contained in the bills pertaining to a telephone exchange service or telephone toll service by a customer of a carrier." 47 U.S.C. § 222(h)(1)(B).

SOWELL GRAY STEPP & LAFFITTE, L.L.C.

By: 
Robert E. Tyson, Jr.
1310 Gadsden Street (29201)
Post Office Box 11449
Columbia, South Carolina 29211
Telephone: (803) 929-1400
rtyson@sowell.com

Attorneys for Competitive Carriers of the South, Inc.

Columbia, South Carolina

February 18, 2004

CERTIFICATE OF SERVICE

I, the undersigned employee of the law offices of Sowell Gray Stepp & Laffitte, L.L.C., attorneys for CompSouth, do hereby certify that I have served a copy of the pleading(s) hereinbelow specified via e-mail, unless otherwise specified, to the following address(es):

Pleadings: **CompSouth's Motion to Require BellSouth Telecommunications, Inc. to Disclose Certain Information (in Docket No. 2003-327-C)**

Counsel Served: F. David Butler, Esquire
South Carolina Public Service Commission
Post Office Drawer 11649
Columbia, South Carolina 29211
david.butler@psc.state.sc.us

The Honorable Bruce Duke
Acting Executive Director
South Carolina Public Service Commission
Post Office Drawer 11649
Columbia, South Carolina 29211
bruce.duke@psc.state.sc.us

Robert E. Tyson, Jr., Esquire
Sowell Gray Stepp & Laffitte, L.L.C.
Post Office Box 11449
Columbia, South Carolina 29211
rtyson@sowell.com

Counsel for Intervenors Competitive Carriers of the South, Inc. ("CompSouth"); KMC Telecom III, LLC ("KMC"), ITC^DeltaCom Communications, Inc. (ITC^DeltaCom);

Patrick W. Turner, Esquire
BellSouth Telecommunications, Inc.
Post Office Box 752
Columbia, South Carolina 29202
patrick.turner@bellsouth.com
Counsel for BellSouth Telecommunications, Inc.

Elliott F. Elam, Jr. Esquire
South Carolina Department of Consumer Affairs
Post Office Box 5757
Columbia, South Carolina 29250-5757
Elam@dca.state.sc.us

Counsel for Intervenor Consumer Advocate

M. John Bowen, Jr., Esquire
Margaret M. Fox, Esquire
McNair Law Firm, P.A.
Post Office Box 11390
Columbia, South Carolina 29211
jbowen@mcnair.net
pfox@mcnair.net

Counsel for Intervenor The South Carolina Telephone Coalition

Darra W. Cothran, Esquire
Woodward, Cothran & Herndon
Post Office Box 12399
Columbia, South Carolina 29211
[dwcothran@wchl.com](mailto:dwthcothran@wchl.com)

Counsel for Intervenor MCI WorldCom Communications, Inc., Intermedia Communications, Inc. and MCIMetro Access Transmission Service, LLC

John J. Pringle, Jr., Esquire
Ellis, Lawhorne & Sims, P.A.
1501 Main Street, Fifth Floor
Post Office Box 2285
Columbia, South Carolina 29202
jpringle@ellislawhorne.com

Counsel for Intervenor AT&T Communications of the Southern State, L.L.C. ("AT&T"); Xspedius Communications, LLC ("Xspedius"); and NewSouth Communications, Corp. ("NewSouth")

Scott Elliott, Esquire
Elliott & Elliott, P.A.
721 Olive Street
Columbia, South Carolina 29205
selliott@mindspring.com

Counsel for Intervenor United Telephone Company of the Carolinas and Sprint Communications Company, L.P.

Rowland L. Curry
Curry and Associates
1509 Mearns Meadow Boulevard
Austin, Texas 78758
rcurry@austin.rr.com
Consultant for Public Service Commission

Robert B. Loube (via US Mail)
Director, Economic Research
Rhoads and Sinon, L.L.C.
10601 Cavalier Drive
Silver Spring, Maryland 20901
Consultant for Public Service Commission

Edward H. Phillips, Esquire
Sprint Communications Company, LP
Legal Dept. Mailstop: NCWKFR0313
14111 Capital Boulevard
Wake Forest, NC 27587-5900
Phillips@mail.sprint.com
Counsel Sprint Communications Company, L.P.

Also e-mail:
daphne.werts@psc.state.sc.us
deborah.easterling@psc.state.sc.us
florence.belser@psc.state.sc.us


Lorraine Horton

February 18, 2004